

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

John Doe and Jane Doe, Individually, and )  
in a representative capacity as the parents )  
and next friends of their minor daughter, )  
S.D., )

Plaintiff, )

vs. )

Dr. Phinnize J. Fischer Middle School, )  
Greenville County Schools, Olivia G. )  
Bennett, Robert E. Ivey, Bradley A. )  
Harvey, Kyle D. Pearson, Christine V. )  
Thomas, Paketrice S. White, Jeremie R. )  
Smith, and Raashad L. Fitzpatrick, )

Defendants. )

C.A. No. 6:24-cv-03324-DCC

**DEFENDANTS' MOTION FOR  
JUDGMENT ON THE PLEADINGS**

Defendants, Dr. Phinnize J. Fischer Middle School, Greenville County Schools, Olivia G. Bennett, Robert E. Ivey, Bradley A. Harvey, Kyle D. Pearson, Christine V. Thomas, Paketrice S. White, Jeremie R. Smith, and Raashad L. Fitzpatrick, and putative defendants Metris Cain and John Teer, by and through their undersigned counsel, hereby move this Court, for judgment on the pleadings pursuant to rule 12(c) of the Federal Rules of Civil Procedure dismissing parties and portions of Plaintiff's Complaint as follows:

1. Count One: Negligent Hiring, Supervision, Monitoring and Retention and Count

Two: Negligence/Recklessness/Willful and Wanton Conduct

- The individually named defendants cannot be sued in their individual capacities pursuant to the South Carolina Tort Claims Act and should be dismissed as defendants in this cause of action.

2. Count Three: Outrage/Intentional Infliction of Emotional Distress

- This cause of action is barred by the South Carolina Tort Claims Act against the School District; Plaintiff has not alleged facts to support this claim against any individual defendant.

3. Count 4: Title IX, 20 U.S.C. §1681, et seq.

- The individual defendants should be dismissed from this claim as Title IX does not authorize individual liability.

4. Count 5: Violation of 42 U.S.C. §1983 and Violation of Title VI and 20 U.S.C. § 28 et seq

- The Amended Complaint does not contain specific allegations to support a claim that any individual defendant violated a constitutionally protected right of the minor Plaintiff.

5. Count Six: Violation of Restatement of Torts 323

- No such cause of action exists; it is simply a reiteration of the duty to supervise students which forms the basis of the gross negligence cause of action.

6. Count Seven: Necessaries Claim

- This is not a viable cause of action in South Carolina under *Doe v. Greenville Cnty. Sch. Dist.*, 375 S.C. 63, 68, 651 S.E.2d 305, 308 (2007).

(Signature Page Follows)

Respectfully submitted,

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Attorneys for Defendants

February 28, 2025  
Columbia, South Carolina